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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/354,058	07/15/1999	JOHN CRESCENTI	044463.0014	4549

29858 7590 09/23/2005

BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP  
900 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER
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COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/354,058	07/15/1999	JOHN Crescenti	044463.0014

EXAMINER
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*E. Colbert*

ART UNIT	PAPER
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*3674* 091905

DATE MAILED:

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Commissioner for Patents

*[Signature]*

### **Response to Applicants' Amendment**

The amendment filed on 06/17/05 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The Applicants' reply does not comply with 37 CFR 1.75. Claim 5 was supposed to have been cancelled according to the Interview Summary mailed 12/14/04. However, claim 6 was cancelled. Claim 5 is a close duplicate of the last claim limitation of claim 4. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Did Applicants' want to cancel claim 6 and not cancel claim 5? Please clarify in a written response to the Examiner.

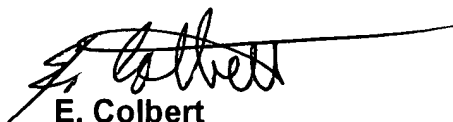
Since the above- mentioned reply appears to be *bona fide*, the Applicants' are given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. Extensions of this time period maybe granted under 37 C.F.R. 1.136 (a).

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**E. Colbert**  
**Primary Examiner**

September 19, 2005